

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 2:13-mj-273

Michael Shane Clark, Jr.,

Judge Michael H. Watson

Defendant.

ORDER

On November 5, 2013, Magistrate Judge King issued a Report and Recommendation ("R&R") recommending Michael Shane Clark, Jr. ("Defendant") be found incompetent to stand trial and that the Attorney General be directed to hospitalize Defendant for treatment in a suitable facility for such reasonable period of time, but not longer than March 4, 2014, as is necessary to determine whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit the trial to proceed.

The R&R advised the parties that objections may be filed by November 22, 2013 and that failure to object would result in a waiver of the right to *de novo* review by the undersigned as of the right to appeal the undersigned's decision. R&R 3, ECF No. 15.

Both parties have verbally represented to the undersigned that they do not object to the R&R. Accordingly, the Court **ADOPTS** the R&R notwithstanding the fact that the period for filing objections has not run. The Court finds Defendant

incompetent to stand trial and directs the Attorney General to hospitalize Defendant for treatment in a suitable facility for such reasonable period of time, but not longer than March 4, 2014, as is necessary to determine whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit the trial to proceed. If at the end of that period, the evaluators and treating providers conclude that an additional period of hospitalization and treatment is likely to restore Defendant's competence to stand trial, another report shall be made to the Court. In such event, the report shall specifically recommend the additional time deemed necessary to restore Defendant's competence to stand trial.

IT IS SO ORDERED.



MICHAEL H. WATSON
**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**